Case 09-00160 Doc 1 Filed 01/06/09 Entered 01/06/09 10:31:10 Desc Main Document Page 1 of 10

B1 (Official Form 1)(1/08)			oumom		go <u> </u>					
	States 1 orthern D							Volu	ıntary	Petition
Name of Debtor (if individual, enter Last, First Cecil, Samuel H	t, Middle):			Name	of Joint Do	ebtor (Spouse	e) (Last, First	, Middle):		
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):				All Or (inclu	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):					
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)  xxx-xx-3562				IN Last f	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)					
Street Address of Debtor (No. and Street, City, and State): 1073 Symphony Drive Aurora, IL					Street Address of Joint Debtor (No. and Street, City, and State):					
		Г	ZIP Code <b>60504</b>							ZIP Code
County of Residence or of the Principal Place of Kane	of Business:			Count	y of Reside	ence or of the	Principal Pl	ace of Busine	ess:	
Mailing Address of Debtor (if different from street address):			Mailir	ng Address	of Joint Debt	tor (if differe	nt from stree	t address):		
		Г	ZIP Code							ZIP Code
Location of Principal Assets of Business Debto (if different from street address above):	r	•		•						•
Type of Debtor		Nature	of Business			Chapter	of Bankruj	otcy Code U	nder Whic	h
(Form of Organization) (Check one box)	☐ Health		one box)		Chapt		Petition is Fi	iled (Check o	one box)	
Individual (includes Joint Debtors)	Single	e Asset Re	eal Estate as	defined	☐ Chapt			hapter 15 Pet		
See Exhibit D on page 2 of this form.	□ Railro	-	101 (51B)		☐ Chapter 11 of a Foreign Main Proceeding					
☐ Corporation (includes LLC and LLP)	Stockl				☐ Chapter 12 ☐ Chapter 15 Petition for Recognition ☐ Chapter 13 ☐ Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding					
☐ Partnership	☐ Comm		oker		Спаро	ICI 13				8
Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Other							e of Debts		
,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			mpt Entity		(Check one box)  ■ Debts are primarily consumer debts, □ Debts are primarily					
(Check box, if applicable)  Debtor is a tax-exempt organi under Title 26 of the United S Code (the Internal Revenue C			anization d States	zation defined in 11 U.S.C. § 101(8) as business debts.  "incurred by an individual primarily for						
Filing Fee (Check o	ne box)				one box:		Chapter 11			
Full Filing Fee attached				=		a small busin not a small b				101(51D). C. § 101(51D).
Filing Fee to be paid in installments (applic attach signed application for the court's con	sideration ce	ertifying t	hat the debt	or   $\square$	Check if:  ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed					
is unable to pay fee except in installments.	` '			"   <u> </u>	to insiders or affiliates) are less than \$2,190,000.  Check all applicable boxes:					
Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.					A plan is Acceptan	being filed w ces of the pla creditors, in	n were solici	ted prepetition	on from one C. § 1126(b	e or more
Statistical/Administrative Information								SPACE IS FO		
☐ Debtor estimates that funds will be availabl ☐ Debtor estimates that, after any exempt proper there will be no funds available for distribution.	perty is exclu	uded and	administrat		es paid,					
Estimated Number of Creditors							†			
1- 50- 100- 200- 49 99 199 999	1,000-	5,001- 10,000	10,001- 25,000	25,001- 50,000	50,001- 100,000	OVER 100,000				
Estimated Assets  So to \$50,001 to \$100,001 to \$500,001 to \$500,000 to \$100,000 to \$100,00	\$1,000,001 to \$10	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					
Estimated Liabilities	\$1,000,001 to \$10	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	\$100,000,001 to \$500 million	\$500,000,001 to \$1 billion					

Case 09-00160 Doc 1 Filed 01/06/09 Entered 01/06/09 10:31:10 Desc Main Document Page 2 of 10

B1 (Official For	rm 1)(1/08)	Page 2 01 10	Page 2		
Voluntar	y Petition	Name of Debtor(s): Cecil, Samuel H			
(This page mu	ust be completed and filed in every case)	Cecii, Sainuei n			
1 0	All Prior Bankruptcy Cases Filed Within Last	t 8 Years (If more than two, atta	ach additional sheet)		
Location Where Filed:	- None -	Case Number:	Date Filed:		
Location Where Filed:		Case Number:	Date Filed:		
Pe	ending Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If mor	re than one, attach additional sheet)		
Name of Debt - None -	tor:	Case Number:	Date Filed:		
District:		Relationship:	Judge:		
	Exhibit A	(To be completed if debtor is an ind	Exhibit B lividual whose debts are primarily consumer debts.)		
forms 10K a pursuant to S and is reques	pleted if debtor is required to file periodic reports (e.g., and 10Q) with the Securities and Exchange Commission Section 13 or 15(d) of the Securities Exchange Act of 1934 sting relief under chapter 11.)  A is attached and made a part of this petition.	I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).  X /s/ Edwin L. Feld  January 6, 2009			
LAMOR	At is attached and made a part of this petition.	Signature of Attorney for Debtor(s)  Edwin L. Feld  Onte  Datically 6, 2009  (Date)			
	Exh	ıibit C			
	or own or have possession of any property that poses or is alleged to I Exhibit C is attached and made a part of this petition.	pose a threat of imminent and iden	tifiable harm to public health or safety?		
	Exh	nibit D			
_	eleted by every individual debtor. If a joint petition is filed, ea	-	ttach a separate Exhibit D.)		
If this is a join	D completed and signed by the debtor is attached and made int petition:	a part of this petition.			
-	D also completed and signed by the joint debtor is attached a	and made a part of this petition.			
	Information Regarding	=			
•	(Check any ap Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or principal			
	days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.  There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.				
Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.					
	Certification by a Debtor Who Reside		roperty		
	(Check all app Landlord has a judgment against the debtor for possession		ecked, complete the following.)		
	(Name of landlord that obtained judgment)				
	,				
	(Address of landlord)				
	Debtor claims that under applicable nonbankruptcy law, the entire monetary default that gave rise to the judgment				
	Debtor has included in this petition the deposit with the coafter the filing of the petition.	ourt of any rent that would become	me due during the 30-day period		
	Debtor certifies that he/she has served the Landlord with the	his certification. (11 U.S.C. § 36	52(1)).		

## B1 (Official Form 1)(1/08)

## Voluntary Petition

(This page must be completed and filed in every case)

## Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

## X /s/ Samuel H Cecil

Signature of Debtor Samuel H Cecil

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

January 6, 2009

Date

#### Signature of Attorney\*

### X /s/ Edwin L. Feld

Signature of Attorney for Debtor(s)

#### Edwin L. Feld 6188070

Printed Name of Attorney for Debtor(s)

#### Feld & Korrub, LLC

Firm Name

29 South LaSalle Street Suite 328 Chicago, IL 60603

Address

#### 312-263-2100 Fax: 312-263-9838

Telephone Number

## January 6, 2009

Date

\*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

#### Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Name of Debtor(s):

Cecil, Samuel H

## Signatures

### Signature of a Foreign Representative

Page 3

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- ☐ I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X

Signature of Foreign Representative

Printed Name of Foreign Representative

Date

### **Signature of Non-Attorney Bankruptcy Petition Preparer**

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

X

Date

Address

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 09-00160 Doc 1 Filed 01/06/09 Entered 01/06/09 10:31:10 Desc Main Document Page 4 of 10

B 1D(Official Form 1, Exhibit D) (12/08)

## **United States Bankruptcy Court** Northern District of Illinois

In re	Samuel H Cecil	Case No.	
		Debtor(s) Chapter	7

## EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.] \_\_\_\_

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

□ 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]

Case 09-00160 Doc 1 Filed 01/06/09 Entered 01/06/09 10:31:10 Desc Main Document Page 5 of 10

B 1D(Official Form 1, Exhibit D) (12/08) - Cont.
☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or
mental deficiency so as to be incapable of realizing and making rational decisions with respect to
financial responsibilities.);
☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being
unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or
through the Internet.);
☐ Active military duty in a military combat zone.
$\Box$ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.
I certify under penalty of perjury that the information provided above is true and correct.
Signature of Debtor:   /s/ Samuel H Cecil
Samuel H Cecil
Date: January 6, 2009

or

# UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

# NOTICE TO CONSUMER DEBTOR(S) UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice to individuals with primarily consumer debts: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case.

You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

Notices from the bankruptcy court are sent to the mailing address you list on your bankruptcy petition. In order to ensure that you receive information about events concerning your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address. If you are filing a **joint case** (a single bankruptcy case for two individuals married to each other), and each spouse lists the same mailing address on the bankruptcy petition, you and your spouse will generally receive a single copy of each notice mailed from the bankruptcy court in a jointly-addressed envelope, unless you file a statement with the court requesting that each spouse receive a separate copy of all notices.

### 1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies. Each debtor in a joint case must complete the briefing.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses. Each debtor in a joint case must complete the course.

## 2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

### Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

# <u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments

over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.

**B 201** (12/08)

Edwin L. Feld

Address:

Printed Name of Attorney

- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

## Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

## **Chapter 12:** Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

## 3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

**WARNING:** Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

## **Certificate of Attorney**

X /s/ Edwin L. Feld

Signature of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruptcy Code.

29 South LaSalle Street Suite 328 Chicago, IL 60603 312-263-2100							
I (We), the debtor(s), affirm that I (we) h	Certificate of Debtor ave received and read this notice.						
Samuel H Cecil	${ m X}$ /s/ Samuel H Cecil	January 6, 2009					
Printed Name(s) of Debtor(s)	Signature of Debtor	Date					
Case No. (if known)	X						
· · · · · · · · · · · · · · · · · · ·	Signature of Joint Deb	tor (if any) Date					

January 6, 2009

Date

Page 2

Aspire Card Services PO Box 23007 Columbus, GA 31902

Barclays Bank of Delaware 125 South West St Wilmington, DE 19801

Capital One PO Box 105131 Atlanta, GA 30348

Capital One Financial 2730 Liberty Ave Pittsburgh, PA 15222

CB&T PO Box 105555 Atlanta, GA 30348

Columbus B&T 245 Perimeter Center Pkwy Suite 600 Atlanta, GA 30346

Copley Hospital 2000 Ogden Ave Aurora, IL 60504

Fingerhut PO Box 166 Newark, NJ 07101

GE Money Bank PO Box 960061 Orlando, FL 32896

Hinsdale Hospital 120 N. Oak Hinsdale, IL 60521

Home Depot Processing Center Des Moines, IA 50364 HomeQ PO Box 997126 Sacramento, CA 95899

HSBC Auto Finance PO Box 17904 San Diego, CA 92177

HSBC Card Services PO Box 17051 Baltimore, MD 21297

IL Dept of Revenue Tax PO Box 19084 Springfield, IL 62794

Juniper Bank PO Box 13337 Philadelphia, PA 19101

Merchants Credit Guide 223 W. Jackson, Ste 900 Chicago, IL 60606

Oak Park Hosptial 520 S. Maple Ave Oak Park, IL 60304

Quantum Servicing Corp 1 Corporate Drive Lake Zurich, IL 60047

Sears Credit Cards PO Box 183081 Columbus, OH 43218

Target PO Box 59317 Minneapolis, MN 55459

Wal Mart PO Box 530927 Atlanta, GA 30353 WaMu PO Box 660487 Dallas, TX 75266